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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,548	06/26/2001	Jeffrey C. Smolinske	CE08944R	1868
22917	7590	03/16/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			MEHRA, INDER P	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/891,548

Applicant(s)

SMOLINSKE ET AL.

Examiner

Inder P Mehra

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8,10,11,13,16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2,6,7,9,12,14,15,17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/28/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application dated: 6/26/01.

Claim Objections

2. Claim 12 is objected to because of the following informalities:
 - a) Claim 12 recites "packet data resources". This is preceded by the same limitation in claim 1 line 4. Change it to "the packet data resources".Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

 - a) Claim 5, 10-11, and 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - b) Claim 5 recites the limitation "the reservation of packet data resources" in line 2. There is no antecedent basis for this limitation in the claim.
 - c) Claim 10 recites the limitation "the number of additional packet data resources" in line 2. There is insufficient antecedent basis for this limitation in the claim.
 - d) Claim 11 recites the following limitations, for which there is no antecedent basis:
 - "the relative frequency of transmission" in line 4;
 - "the relative order of reservation", in line 5;

-“the corresponding packet data resources”, in line 6.

e) Claim 19 recites the following limitations, for which there is no antecedent basis for this limitation in the claim.

- "the at least one additional packet data resource reserved" in lines 3-4;

-“the relative frequency”, in line 4;

-“the relative order of reservation”, in line 6;

-“corresponding packet data resources”, in line 6

f) Claim 20 recites the limitation "the packet data resources assigned" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-4, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **du Crest et al** (US Patent Application Publication no. 2004/0047292), hereinafter, ‘292, in view of **Forsell et al** (US Patent Application Publication no. 2002/015940), hereinafter, ‘940, further in view of **Forssell et al** (US Patent No. 6,671,511), hereinafter, ‘511.

Note: the term “capable” used in claim 16, is not positively recited claimed limitation.

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Therefore, the limitations after the term are not considered as claimed limitation. It is suggested that applicant remove the term "capable" from the claim.

For claims 1, 3-4, 8 and 16, '292 discloses "a method for a communication infrastructure to speed uplink data Setup (a radio telecommunications system and method of operating the same is described which provides a reduce delay for transfer of packet data, refer to abstract; data services requiring the setting up of a data traffic channel between a user terminal and the base station system, refer to paragraph 0011, page 3 paragraph 0033, page 4 paragraph 0053, and page 5 paragraph 0054), the method comprising the steps of:

- reserving, by a packet control unit (PCU) in the communication infrastructure, packet data resources needed for an uplink connection from a communication unit of a plurality of communication units to the communication infrastructure that has not yet been requested by the communication unit and is not yet needed by the communication unit, wherein the packet data resources comprise at least a portion of a packet data channel (Before a data transmission is released in one direction (uplink or downlink) a channel is reserved in the other direction, refer to abstract; an uplink connection is reserved for the next reply from the MT refer to paragraph 0053, page 5, before this first traffic channel is released a corresponding --- respectively uplink radio traffic channel is reserved, refer to page 5 paragraph 0054);
- * sending, by the PCU to a base station transceiver system (BTS), a message identifying the packet data resources reserved (before this first traffic channel is released a corresponding --- respectively uplink radio traffic channel is reserved, refer to page 5 paragraph 0054);

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and

‘292 does not disclose expressly the following limitations, which are disclosed by ‘940, as follows:

- transmitting, by the PCU via the BTS, an uplink transmit allowance message for the at least a portion of the packet data channel, **as also recited by claim 8**, (the packet control unit PCU transmits a packet flow assignment message 304

PACKET_UPLINK.sub.13 ASSIGN-MENT via a base transceiver station BTS to the mobile station MS. This assignment message contains e.g. the above-mentioned **information related to the temporary block flow (transmit allowance message)**, refer to page 4 paragraph 0024;

‘292 and ‘940 do not disclose expressly the following limitations, which are disclosed by ‘511, as follows:

- receiving, by the PCU, an indication that the packet data resources reserved have been used to establish the uplink connection, **as also recited by claims 3-4**, (Based on the information received in the PACKET RESOURCE REQUEST message, the network may assign one or several packet data channels to the TBF and **informs the assigned radio resources to the mobile station with a PACKET UPLINK ASSIGNMENT message, refer to col. 4 line 57 –col. 5 line 5).**

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to transmitting, by the PCU via the BTS, an uplink transmit allowance message for the at least a portion of the packet data channel, as taught by ‘940; and receiving, by the PCU, an

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indication that the packet data resources reserved have been used to establish the uplink connection, as taught by '511. This capability can be implemented in PCU, as taught by '940 and '511. The motivation to do so being to reduce delay in communication set up.

6. Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **du Crest et al** (US Patent Application Publication no. 2004/0047292), hereinafter, '292, in view of **Forsell et al** (US Patent Application Publication no. 2002/015940), hereinafter, '940.

Note: the term "capable" used in claim 20, is not positively recited claimed limitation. Therefore, the limitations after the term are not considered as claimed limitation. It is suggested that applicant remove the term "capable" from the claim.

For claims 13 and 20, '292 discloses "a method for a communication infrastructure to speed data uplink setup (**a radio telecommunications system and method of operating the same is described which provides a reduce delay for transfer of packet data, refer to abstract; data services requiring the setting up of a data traffic channel between a user terminal and the base station system, refer to paragraph 0011, page 3 paragraph 0033, page 4 paragraph 0053, and page 5 paragraph 0054**); the method comprising the steps of:

- receiving by a BTS from a PCU, a message identifying packet data resources reserved, wherein the packet data resources reserved comprise at least a portion of a packet data channel needed for an uplink connection from a communication unit to the communication infrastructure that has not yet been requested by the communication unit and is not yet needed by the communication unit, (**before this first**

**traffic channel is released a corresponding -- respectively uplink
radio traffic channel is reserved, refer to page 5 paragraph 0054);**

'292 does not disclose expressly the following limitations, which are disclosed by
'940, as follows:

- receiving, by the BTS from the communication unit, a request for an uplink connection (**The mobile station transmits a packet resource allocation request 302 PACKET_CHANNEL_REQUEST**) to the mobile communication network NW for setting up a temporary block flow for the transmission of packets, if the mobile station MS has packets waiting for transmission, refer to page 4 paragraph 0024).
- assigning, by the BTS to the communication unit, the packet data resources reserved (**The packet control unit PCU transmits a packet flow assignment message 304 PACKET_UPLINK.sub.13 ASSIGNMENT via a base transceiver station BTS to the mobile station MS** (refer to page 4 paragraph 0024); and
- transmitting, by the BTS to the communication unit, an assignment message identifying the packet data resources assigned to the communication unit, as recited by claims 1 and 3, (**The packet control unit PCU transmits a packet flow assignment message 304**

**PACKET_UPLINK.sub.13 ASSIGN-MENT via a base transceiver
station BTS to the mobile station MS** (refer to page 4 paragraph 0024).

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to receiving by the BTS from the communication unit a request for an uplink connection message; assigning, by the BTS to the communication unit, the packet data resources reserved, and transmitting, by the BTS to the communication unit, an assignment message identifying the packet data resources assigned to the communication unit, as taught by '940. This capability can be implemented in PCU, as taught by '940. The motivation to do so being to reduce delay in communication set up.

Allowable Subject Matter

7 Claims 2, 6-7, 9, 12, 14-15, and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

 Claim 5, 10-11, 19, and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art of Record

8 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- Forssell et al (US Patent No. 6,718,179) discloses the method and devices for implementing a continued packet-switched radio connection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inder Pal Mehra
Inder P Mehra
Examiner
Art Unit 2666
3/6/05



DARGTON
PRIMARY EXAMINER